



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF SUSTAINABILITY AND ENVIRONMENT
JOSEPH A. CURTATONE
MAYOR

4/13/2016

Dear Somerville Retail Establishment:

The Plastic Bag Ordinance, proposed by the Somerville Board of Aldermen and passed on November 24, 2015, goes into effect on September 1, 2016.

By reducing the number of plastic bags that are being used, discarded and littered, and by promoting the use of reusable checkout bags and recyclable paper bags by retail establishments located in the City, the purpose of this ordinance aims to protect the marine environment, advance solid waste reduction, reduce greenhouse gas emissions, and protect waterways.

Important Dates

When this ordinance is in effect, retail establishments will no longer be permitted to give customers plastic, single-use shopping bags at the checkout point.

- **Businesses with more than 10,000 sf of floor space must comply by Sept. 1, 2016.**
- **All other retail establishments must comply by Dec. 1, 2016.**

If a retail establishment is found to be non-compliant, the first violation will result in a warning. Subsequent violations will carry a fine.

More Information & Information Sessions

The enclosed FAQ includes more information about complying with the ordinance. In addition, the City has created the website www.somervillema.gov/plasticbags to provide information to businesses and residents about the ordinance.

The City will be hosting drop-in information sessions for business owners to prepare for the ordinance going into effect and get questions answered:

All sessions will be held in the Aldermanic Chambers, 2nd floor of City Hall, 93 Highland Ave.

- Tuesday, May 10th, 10-11 a.m.
- Thursday, May 26th, 5-6 p.m.
- Tuesday, September 13th, 10-11 a.m.
- Thursday, September 29th, 6-7 p.m.

For more information about the plastic bag ordinance in Somerville, please visit www.somervillema.gov/plasticbags or contact 311. If you have questions regarding enforcement of this ordinance or other regulations, please contact the Inspectional Services Department, Health Division at (617) 625-6600 x4331.

We thank you in advance for your cooperation.

Oliver Sellers-Garcia

Oliver Sellers-Garcia
Director, Office of Sustainability & Environment
City of Somerville



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FAQs

Why are plastic shopping bags a problem?

The Somerville Board of Aldermen passed this ordinance in November 2015 in order to reduce the environmental impact of plastic bags. Disposable plastic shopping bags can turn into waste and litter. Lightweight plastic bags act like a parachute and are easily blown into trees and bodies of water; these flyaway bags can harm wildlife and block drainage. In addition, plastic bags are made from natural gas and petroleum, which are nonrenewable natural resources.

Who does the ordinance apply to?

The ordinance applies to any commercial business, whether for or not for profit, including, but not limited to, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores. If a restaurant provides a bag for take-out, delivery, or food to-go from an in-house meal, the ordinance applies to those bags.

When does the ordinance take effect?

- For retail establishments over 10,000 square feet of floor space: September 1, 2016
- For all other retail establishments under : December 1, 2016

The extended period for applicability of this ordinance is designed to give businesses ample time to use down their current inventory of plastic bags.

How will the ordinance be enforced?

During regular inspections or if a complaint is received, City inspectors will confirm compliance with the ordinance. If a retail establishment is found to be non-compliant, the first violation will result in a warning. Subsequent violations will carry a fine: \$50.00 for the second offense, \$100.00 for the third and higher offense.

What should I use instead of plastic bags?

All retail establishments should provide reusable bags or recyclable paper bags. Please contact your supply vendor to determine which alternative(s) may work best for your business.

In addition, please visit www.somervillema.gov/bags for a list of example alternative products.

Can retail establishments offer a discount to customers bringing their own reusable bag?

Yes! In fact, we strongly encourage this to further incentivize waste reduction. We also encourage retail establishments to provide reusable bags for sale to customers. Investing in reusable bags is a great way to help limit the amount of natural resources used to produce single-use bags.

Does this ordinance apply to non-checkout plastic bags?

No, this ordinance applies only to bags given out at the point of sale. Per the ordinance, the following bags are exempt:

- Bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the retail establishment;
- Laundry or dry cleaner bags;
- Newspaper bags; or
- Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

What's the plan for informing customers of the ordinance?

While the ordinance applies to businesses, the City will be conducting outreach to residents and customers about the ordinance and encouraging the use of reusable bags. The City will inform residents via news outlets, the City website, the City newsletter, social media, City Cable TV, and by posting information on www.somervillema.gov/plasticbags.

DIVISION 3. - PLASTIC BAG ORDINANCE

Sec. 9-105. - Purpose.

The reduction in the use of disposable plastic shopping bags by retail establishments in the City of Somerville (the "city") is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This ordinance seeks to reduce the number of plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags and recyclable paper bags by retail establishments located in the city.

(Ord. No. 201S-06, § 1, 11-24-201S)

Sec. 9-10S.1. - Definitions.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

Disposable plastic shopping bag means any checkout bag made predominately of plastic derived from either petroleum, natural gas, or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term, "disposable plastic shopping bag" includes:

- (1) Degradable plastic bags; and
- (2) Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.

The term "disposable plastic shopping bag" shall not include:

- (1) Reusable bags;
- (2) Produce bags; or
- (3) Product bags.

As used in this definition, the term "produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

Checkout bag means a carry-out bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include:

- (1) Bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the retail establishment;
- (2) Laundry or dry cleaner bags;
- (3) Newspaper bags; or
- (4) Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

Reusable bag means a bag that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, and meets the following requirements:

- (1) Has a minimum lifetime capability of 12S or more uses carrying 22 or more pounds; and

(2) Is machine washable or is made of a material that can be cleaned or disinfected 125 times.

Recyclable paper bag means a paper bag that is 100 percent recyclable and contains at least 40 percent post-consumer recycled content, and displays the words "Recyclable" and "made from 40% post-consumer recyclable content" in a visible manner on the outside of the bag.

Retail establishment means any commercial enterprise, defined as the following: whether for or not for profit, including, but not limited to, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores.

(Ord. No. 2015-06, § 2, 11-24-2015)

Sec. 9-105.2. - Prohibition on disposable plastic shopping bags.

No retail establishment shall provide a disposable plastic shopping bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale. Nothing in this section shall be read to preclude any establishment from making reusable bags available for sale to customers or utilizing recyclable paper bags at checkout.

(Ord. No. 2015-06, § 3, 11-24-2015)

Sec. 9-105.3. - Penalties and enforcement.

The penalty for each violation that occurs after the issuance of the warning notice shall be in accordance with section 1-11(b) of the Code of Ordinances. The warning notice issued for the first offense shall provide at least 14 days to correct the violation. No fine for the second offense shall be issued until at least 14 days after the warning is issued.

(Ord. No. 2015-06, § 4, 11-24-2015)

Sec. 9-105.4. - Effective date.

This ordinance shall take effect nine months after passage (August 24, 2016) for retail establishments with a floor area equal to or exceeding 10,000 square feet. This ordinance shall take effect one year after passage (November 24, 2016) for retail establishments less than 10,000 square feet.

(Ord. No. 2015-06, § 5, 11-24-2015)

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